IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

CALIBER HOLDINGS, LLC	§	
D1 : .100	§	
Plaintiff,	§	
	§	
V.	§	Civil Action No. 4:23-cv-00912-SDJ
	§	
CONTINENTAL CASUALTY	§	
COMPANY, LIBERTY MUTUAL FIRE	§	
INSURANCE COMPANY, and	§	
LIBERTY INSURANCE	§	
CORPORATION,	§	
	§	
Defendants.	§	

DEFENDANT CONTINENTAL CASUALTY COMPANY'S RESPONSE TO PLAINTIFF CALIBER HOLDINGS, LLC'S SUPPLEMENTAL NOTICE OF READINESS FOR RULE 16 MANAGEMENT CONFERENCE [DKT. #50]

Continental Casualty Company responds to Caliber Holding, LLC's re-urged request for a Rule 16 Management Conference [Dkt. #50] to reiterate its position that the Court should decline Caliber's request for the reasons stated in its initial response to Caliber's notice of readiness filing [Dkt.#48]. That the hearing regarding Caliber's Motion to Show Cause will be heard in November in no manner changes that the relief Caliber seeks against Terminix in the Los Angeles Superior Court concerns the very same dispute at issue in this lawsuit and in the California Coverage Action¹. Given that Caliber is unwilling to attempt a global resolution of that dispute until after its Motion to Show Cause is concluded counsels in favor of awaiting that conclusion to determine what issues, if any, remain unaddressed. At that time it would seem appropriate to decide which court – this tribunal or your sister court in the California Central District – should decide any such remaining issues. This approach will conserve judicial resources.

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California Coverage Action refers to *Caliber Holdings, LLC, et al. v. Zurich American Insurance Company,* Case No. 2:22-cv-04384-JLS-MAA, in the United States District Court for the Central District of California.

For these reasons, Continental respectfully asks the Court to decline Caliber's request that this matter be set for a Rule 16 Management Conference.

Date: August 26, 2024

Respectfully submitted,

By: <u>/s/ Pamela Dunlop Gates</u>
Pamela Dunlop Gates (*Lead Counsel*)

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CERTIFICATE OF SERVICE

I, undersigned counsel certifies that on August 26, 2024, the foregoing *Defendant Continental Casualty Company's Response to Plaintiff Caliber Holdings, LLC's Supplemental Notice of Readiness for Rule 16 Management Conference [Dkt. #50]* was electronically filed using the Court's CM/ECF filing system and served to the following via the Court's CM/ECF filing system, who are registered ECF filers in the United States District Court for the Eastern District of Texas:

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